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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,632	09/30/2003	Saied Hussaini	8312.174	1129

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EXAMINER

LARSON, JUSTIN MATTHEW

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,632

Applicant(s)

HUSSAINI ET AL.

Examiner

Justin M. Larson

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/03, 5/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 9/30/03 and 5/6/04 are noted. These submissions are in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statements.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether applicant is attempting to claim the combination of the seat and portable electronic device support or just the subcombination of the portable electronic device support. In the preamble of claim 1, "a mounting device" alone is claimed with functional language suggesting it be attached to the seat of an automobile, implying applicant is attempting to claim the subcombination. The claim later specifically claims structure of the automobile seat, implying applicant is attempting to claim the combination.

The following rejections in paragraphs 5, 7, and 8 are based on Examiner's assumption that claims 1-14 intend to claim the subcombination. The rejections in paragraphs 9-12 are directed toward the combination as clearly claimed in claims 15-17, but are also directed to claims 1-14 in the event that applicant is intending to claim the combination in claims 1-14.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6, 7, 9, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hougham (5,310,102). Hougham discloses a mounting device comprising: a housing (11); a first adjustable strap (73); a second adjustable strap (23) connected to a single portion of the lower portion of the housing (Figure 2, turned upside-down) via a crossover strap (69), the cross over strap disposed between an interconnecting the housing to the second strap, wherein a first end of the cross over strap includes a sliding loop to provide an adjustable connection with the second strap and has an adjustment mechanism to adjust the length thereof;

Regarding claim 1, the initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Hougham which is capable of being used in the intended manner, i.e., to support a portable electronic device on the back of an automobile seat. There is no structure in Hougham that would prohibit such functional intended use (see MPEP 2111). The first strap (73) is capable of substantially encircling an automobile seat's headrest. The second strap (23) is capable of being connected to the lower portion of a seat. A portable electronic device could be

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accessibly retained across the three hangers (38&41) after the holder is turned upside-down.

Regarding the limitations set forth in claims 9 and 10, the housing of Hougham comprises a steel frame (31) and a fabric harness (60). Examiner therefore considers the housing to be arguably both hard- and soft-sided.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 5, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hougham in view of Krulik (6,092,574). Hougham discloses the claimed invention although it is unclear whether strap (73) is comprised of two straps, each attached to the sides of the housing, or if strap (73) is one continuous strap running along and attached to the back surface of the housing, rendering it impossible to tell if the strap is connected to two discrete spaced apart points on the housing. Krulik, however, teaches that it is well known in the art to use D-rings (45) and bolt snap connectors (24) when connecting straps to a housing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Hougham by making strap (73) in two parts, using D-rings and snap bolt connectors, as taught by Krulik, to attach these two strap parts, as well as the crossover strap, to the housing. This would effectively ensure the housing had no more

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than three strap attachment points and that the first strap (73) was connected in two discrete spaced apart points.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hougham in view of Rassias (6,149,042). Hougham discloses the claimed invention except he uses a length of hook-and-loop fastener for an adjustment mechanism rather than a slide buckle. Rassias, however, teaches that a slide buckle (12) can be used on a crossover strap (7) to allow for length adjustment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the length of hook-and-loop fastener of Hougham with a slide buckle, an well known and art equivalent adjustment mechanism, as taught by Rassias, in order to allow for length adjustment of the crossover strap.

9. Claims 1-6, 10, 11, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meritt (6,216,927) in view of Ellsworth (5,226,576), and further in view of Smith (5,465,889) and Harada et al. (6,662,985). Merit discloses the claimed invention except for a base strap connected via a crossover strap between a lower portion of the seat proximate the base portion and a single point of a lower portion of the housing and also both the base and crossover straps having adjustment mechanisms. Ellsworth, however, discloses a retainer supported on the back of a seat and teaches that a base strap (22) can be connected between a lower portion of the seat proximate its base portion and the lower portion of the housing (12) in order to hold the container in place. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Meritt by replacing base straps

(136) with a base strap such as that taught by Ellsworth so that the base strap did not interfere with the seat's sliding track. Still, Meritt in view of Ellsworth still does not teach the base strap connected to a single point of a lower portion of the housing.

Now, Smith discloses a retainer (10) supported at its top and bottom by two individuals straps (Figure 2), each having an adjustment mechanism. The larger strap is shown to have a buckle, and the smaller strap's mechanism is the process by which can be tied in various sized loops. When turned upside-down, the retainer and its straps clearly resemble the structure of Meritt in view of Ellsworth, that is, the smaller strap resembling the headrest strap, being wrapped around a leg instead of a headrest, and the larger strap resembling the base strap, being wrapped around a waist instead of a seat. Just as the base strap of Meritt in view of Ellsworth extends downwardly to meet and encircle the seat base, the strap of Smith, again when looked at upside-down, extends downwardly to meet and encircle the waist.

In the case of Smith, it would appear as though the base strap would tend to slide down the user's waist as they walked, at which point the retainer might bounce on the user's side and become annoying. Harada et al., however, teaches another way to mount such a retainer on a user's side. Harada et al. utilizes a third strap, connecting the housing to the user's belt, the belt being a base strap holding the retainer on the user's waist. Using this intermediate strap reduces the chance of the base strap slipping down the side of the user and maintains the retainer tight against the user. Now, looking at Meritt in view of Ellsworth, it would appear that the sides of the base strap would tend to slide up and over the side of the seat as the car moved, hit bumps, etc. and could

possibly slide enough that the retainer would no longer be held tightly against the back of the seat, possibly shaking the portable electronic device. Using the teaching of Harada et al., one of ordinary skill in the art would find it obvious and desirable to implement an intermediate strap between the retainer and the base strap of Meritt in view of Ellsworth in order to reduce the chance of the base strap sliding upward and more securely fasten the portable electronic device retainer against the back of the seat.

Meritt in view of Ellsworth, and further in view of Smith and Harada et al. now discloses the base strap being connected between a single point of a lower portion of the housing and the base strap via a strap loop (see Harada et al. Figure 1), ensuring that there are no more than three strap attachment points on the housing.

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 9 above in view of Rassias. The art as applied in paragraph 9 above discloses the claimed invention except an adjustment mechanism including a slide buckle. Rassias, however, teaches that a slide buckle (12) can be used on a crossover strap (7) to allow for length adjustment. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an adjustment mechanism on the crossover strap of the art as applied in paragraph 9 above using a slide buckle, as taught by Rassias, in order to allow for length adjustment of the crossover strap to better fit different sized seats.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 9 above in view of Martin (5,437,367). The art as applied in

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paragraph 9 above discloses the claimed invention except for the housing being a hard-sided case. Martin, however, teaches that it is old and well known in the art to include a rigid shell in the walls of an electronics device carrying case, the shell made of a hard plastic or other sturdy, durable, and shock resistant material (col. 3 line 56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hard shell in the walls of the housing of the art as applied in paragraph 9 above in view, as taught by Martin, in order to protect the portable electronic device from external forces imposed on the case.

12. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 9 above in view of Krulik. The art as applied in paragraph 9 above discloses the claimed invention except for D-ring/bolt-snap type connectors establishing connections between the housing and the straps. Krulik, however, teaches that it is well known in the art to use D-rings (45) and bolt snap connectors (24) when connecting straps to a housing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the carrying case of the art as applied in paragraph 9 above by using D-rings and snap bolt connectors, as taught by Krulik, in order to securely attach the straps to the housing.


Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner